

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	: 10/717,921	Confirmation No.:	7563
Applicant(s)	: Wade M. Poteet et al.		
Title	: METHODS AND APPARATUS FOR MOLECULAR SPECIES : DETECTION, INSPECTION AND CLASSIFICATION USING : ULTRAVIOLET FLUORESCENCE		
Filed	: November 21, 2003		
TC/A.U.	: 2884		
Examiner	: Michael C. Bryant		
Attorney Docket No.	: 86581-0003		
Customer No.	: 24633		

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The above-identified application became abandoned due to the actions of the USPTO not placing the duly filed (April 25, 2008) Response to the Office Action mailed January 30, 2008 in the File Wrapper. The date of Abandonment is April 30, 2008.

Evidence in Support of Withdrawing Holding of Abandonment

On April 25, 2008, Applicants filed a Response to the Office Action mailed January 30, 2008 (Exhibit I – “As-Filed” Response and return postcard stamped by USPTO).

On August 19, 2008, Applicants noticed the Response to the Office Action had not been placed in the EFW on Private PAIR, and sent a copy by FAX of the “As-Filed” Response and USPTO stamped return postcard (Exhibit II). No response was received from the Examiner.

On October 1, 2008, the Examiner issued a Notice of Abandonment.

On October 1, 2008, Applicants filed a “Request for Status Inquiry” with copies of all previously filed documents (Exhibit III). No response was received from the USPTO.

On November 5, 2008, Applicants’ representative called Examiner Bryant to discuss the status of the application. Examiner Bryant stated Applicants needed to file a Petition.

It is respectfully requested that this petition be granted on the ground that the abandonment was due entirely to the actions of the USPTO.

Summary and Conclusion

No fees are believed due for filing a Petition under 37 CFR 1.181(a). However, if there are any fees due in connection with the filing of this petition, please charge the fees to our Deposit Account No. 50-1349.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: November 10, 2008

By: /Kirk O. Hahn/

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EXHIBIT I

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

In re US Provisional Application of:

Application No.:	10/717,921	Confirmation No.: 7563
Applicant(s):	Wade M. POTEET et al.	
Filed:	November 21, 2003	
TC/AU:	2884	
Examiner:	Michael C. Bryant	
Title:	METHODS AND APPARATUS FOR MOLECULAR SPECIES DETECTION, INSPECTION AND CLASSIFICATION USING ULTRAVIOLET FLUORESCENCE	
Docket No.:	86581-0003	
Customer No.:	24633	

1. Amendment Transmittal
2. Amendment and Response
3. Request for Refund (*In Duplicate*)

Attorney Docket No. 86581-0003
Date: April 25, 2008
CJC:WTS:ksh



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/717,921 Confirmation No.: 7563
Applicant(s) : Wade M. Poteet et al.
Title : METHODS AND APPARATUS FOR MOLECULAR SPECIES
DETECTION, INSPECTION AND CLASSIFICATION USING
ULTRAVIOLET FLUORESCENCE
Filed : November 21, 2003
TC/A.U. : 2884
Examiner : Michael C. Bryant
Attorney Docket No. : 86581-0003
Customer No. : 24633

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT TRANSMITTAL

Sir:

Transmitted herewith for filing is an Amendment and Response in response to the Office Action mailed January 30, 2008 in the above-identified application.

- ☐ Applicants petition for an extension of time, the fees for which are set forth in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two month	\$ 460.00	\$ 230.00
<input type="checkbox"/> three month	\$ 1050.00	\$ 525.00
<input type="checkbox"/> four month	\$ 1640.00	\$ 820.00
<input type="checkbox"/> five month	\$ 2230.00	\$ 1115.00

Extension of time fee due with this request: **\$0.00**

If an additional extension of time is required, please consider this a Petition therefore.

U.S. Application No. 10/717,921
Amendment Transmittal

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	35	MINUS	39	= 0	x 50/25 =	\$ 0.00
INDEP.	7	MINUS	8	= 0	x 200/100 =	\$ 0.00
_____ Month Extension of Time						\$ 0.00
Subtotal						\$ 0.00
Minus ½ for Small Entity						\$ 0.00
TOTAL						\$ 0.00

- ☒ No additional fee is required.
- ☐ A check in the amount of \$ 0.00 is attached.
- ☒ Please charge my Deposit Account No. 50-1349 the amount of \$0.00.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1349.
- ☒ Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: April 25, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/717,921 Confirmation No.: 7563
Applicant(s) : Wade M. Poteet et al.
Title : METHODS AND APPARATUS FOR MOLECULAR SPECIES
: DETECTION, INSPECTION AND CLASSIFICATION USING
: ULTRAVIOLET FLUORESCENCE
Filed : November 21, 2003
TC/A.U. : 2884
Examiner : Michael C. Bryant
Attorney Docket No. : 86581-0003
Customer No. : **24633**

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AND RESPONSE

Sir:

In response to the Office Action mailed January 30, 2008, please amend the above-identified application as follows:

Amendments to the claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

In the Claims:

This listing of claims will replace all prior versions and listings of claims in the application. Please amend the claims as follows:

Claim 1. (Previously Presented) An ultraviolet fluorescence detector comprising:

- an excitation light source;
- a sample receiving platform capable of receiving excitation light from said excitation light source;
- a first optics for directing said excitation light to said sample receiving platform;
- an ultraviolet light detector for receiving induced fluorescent energy;
- an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;
- a camera platform; and
- an input optic for passing the induced fluorescent energy to said ultraviolet light detector, wherein the input optic is an F/2 lens having a diameter over approximately 1.0 meters.

Claims 2-3. (Canceled).

Claim 4. (Previously Presented) The ultraviolet fluorescence detector of claim 1, wherein said first optics includes at least one of an optical lens, a shutter, a filter, a mirror, a fiber optic coupler and an optical fiber.

Claim 5. (Original) The ultraviolet fluorescence detector of claim 4, wherein said filter is a filter wheel.

Claims 6-7. (Canceled).

Claim 8. (Previously Presented) The ultraviolet fluorescence detector of claim 1, further comprising a second optic for receiving said induced fluorescent energy.

- Claim 9. (Original)** The ultraviolet fluorescence detector of claim 8, wherein said second optic includes at least one of a mirror, a lens, a beam splitter, a shutter, a fiber optic fiber, a fiber optic coupler, a filter and an input slit.
- Claim 10. (Previously Presented)** The ultraviolet fluorescence detector of claim 9, wherein said filter is a filter wheel.
- Claim 11. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said ultraviolet light detector includes a spectrograph.
- Claim 12. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a CCD detector.
- Claim 13. (Original)** The ultraviolet fluorescence detector of claim 10, wherein said CCD detector is cooled.
- Claim 14. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said analysis module includes a computer.
- Claim 15. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a signal processor.
- Claim 16. (Previously Presented)** The ultraviolet fluorescence detector of claim 1, further comprising at least one power source providing power to said excitation light source, said sample receiving platform, said ultraviolet light detector and said analysis module.
- Claim 17. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said excitation light source includes at least one of a tunable laser, a flash lamp, an ultraviolet LED and a solid state ultraviolet diode.
- Claim 18. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said excitation light source includes a laser source of approximately 0.1 to approximately 250 millijoules.
- Claim 19. (Original)** The ultraviolet fluorescence detector of claim 1, wherein the excitation light source is a pulsed light source.

- Claim 20. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a controller that monitors said excitation light source for the purpose of detected substance spectrum stabilization.
- Claim 21. (Original)** The ultraviolet fluorescence detector of claim 1, wherein ultraviolet fluorescence detector detects ultraviolet signals between approximately 240 nanometers and approximately 540 nanometers.
- Claim 22. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a light minimizing enclosure.
- Claim 23. (Currently Amended)** The ultraviolet fluorescence detector of claim 22, wherein said light minimizing enclosure includes a reflective spherical surface.
- Claim 24. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a handheld scanner.
- Claim 25. (Original)** The ultraviolet fluorescence detector of claim 24, wherein said hand held scanner connect to said ultraviolet fluorescence detector via fiber optic materials.
- Claim 26. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said ultraviolet fluorescence detector can detect ultraviolet emissions from a chemical compound.
- Claim 27. (Original)** The ultraviolet fluorescence detector of claim 23, wherein said chemical compound includes at least one of a drug, an explosive, a biological agent, a biochemical agent, a nuclear material, a narcotic material, a petroleum material and a waste material.
- Claim 28. (Previously Presented)** A method for detecting and analyzing chemical substances using ultraviolet fluorescence comprising the steps of:
- directing an excitation light source to a target material;
 - receiving induced fluorescent energy from said target material; and
 - determining the nature of the target material based upon the received induced fluorescent energy;

wherein the said step of directing includes directing excitation light through first optics that include at least one of an optical lens, a shutter, a filter, a mirror, a fiber optic coupler and an optical fiber; and

wherein the received induced fluorescent energy has passed through an optic having an F/2 mirror and is at least approximately 1.0 meters in diameter.

Claims 29-30. (Canceled).

Claim 31. (Previously Presented) The method of claim 28, wherein said step of determining includes comparing parameter ranges for said received induced fluorescent energy with predetermined ultraviolet parameters and defining a match based on a predetermined standard deviation between said received induced fluorescent energy and predetermined ultraviolet parameters.

Claim 32. (Previously Presented) An ultraviolet fluorescence detector comprising:

an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum; and

an input optic for passing the induced fluorescent energy to said ultraviolet light detector wherein the input optic is an F/2 lens having a diameter over approximately 1.0 meters.

Claim 33. (Previously Presented) The ultraviolet fluorescence detector of claim 32, further comprising a second optic for receiving said induced fluorescent energy; wherein said second optic includes at least one of a mirror, a lens, a beam splitter, a shutter, a fiber optic fiber, a fiber optic coupler, a filter and an input slit.

Claim 34. (Previously Presented) The ultraviolet fluorescence detector of claim 33, wherein said filter is a filter wheel.

Claim 35. (Previously Presented) The ultraviolet fluorescence detector of claim 32, further comprising a CCD detector.

Claims 36-39. (Canceled).

Claim 40. (Currently Amended) An ultraviolet fluorescence detector comprising:

- an excitation light source;
- a sample receiving platform capable of receiving excitation light from said excitation light source;
- a first optics for directing said excitation light to said sample receiving platform;
- an ultraviolet light detector for receiving induced fluorescent energy;
- an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;
- at least one power source providing power to said excitation light source, said sample receiving platform, said ultraviolet light detector and said analysis module; and
- a controller that monitors said excitation light source for the purpose of detected substance spectrum stabilization; and
- a light minimizing enclosure, wherein said light minimizing enclosure includes a reflective spherical surface.

Claim 41. (Previously Presented) The ultraviolet fluorescence detector of claim 40, wherein said excitation light source includes a laser source of approximately 0.1 to approximately 250 millijoules.

Claim 42. (Previously Presented) The ultraviolet fluorescence detector of claim 40, wherein the excitation light source is a pulsed light source.

Claim 43-45. (Canceled).

Claim 46. (Previously Presented) An ultraviolet fluorescence detector comprising:

- an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;

a camera platform; and

a controller that monitors said excitation light source for the purpose of detected substance spectrum stabilization

Claim 47. (Currently Amended) An ultraviolet fluorescence detector comprising:

an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;

a camera platform; and

a light minimizing enclosure, wherein said light minimizing enclosure includes a reflective spherical surface.

Claim 48. (Currently Amended) An ultraviolet fluorescence detector comprising:

an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;
an ultraviolet light detector for receiving induced fluorescent energy;
an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;
at least one power source providing power to said excitation light source, said sample receiving platform, said ultraviolet light detector and said analysis module; and
a light minimizing enclosure, wherein said light minimizing enclosure includes a reflective spherical surface.

REMARKS

Claims 1, 4, 5, 8-28, 31-35, 38-42 and 45-48 are pending in the present application. By this Amendment, claims 38, 39, 44 and 45 are canceled without prejudice or disclaimer and claims 23, 40, 47 and 48 are amended. No new matter is added by this Amendment, and this Amendment is supported fully by the Specification.

SUMMARY OF ACTION

The Office Action rejects claims 38-42 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al. The Office Action also rejects claim 44 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al. and U.S. Patent No. 6,043,506 to Heffelfinger et al.

The Office Action objects to claim 45 as being dependent on a rejected base claim, but indicates that such claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Finally, the Office Action indicates that claims 1, 4, 5, 8-28, 31-35, and 46-48 are allowed.

Applicants gratefully acknowledge the Examiner's indication that claims 1, 4, 5, 8-28, 31-35, and 46-48 are allowable, and that claim 45 is allowable if amended as indicated above.

Objection to Claim 45

The Office Action objects to claim 45 as being dependent on a rejected base claim, but indicates that such claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, the features of objected to claim 45 (and intervening claim 44) have been incorporated into independent claim 40. Given that the Office Action objected to claim 45 as being dependent upon rejected base claims, but would be allowable if rewritten in independent form

including all of the limitation of the base claim and any intervening claims, it is respectfully submitted independent claim 40 (as amended) is free of the art of record, and is in condition for allowance.

Additionally, it is respectfully submitted that all claims depending from amended independent claim 40 should be similarly allowable. Thus, it is respectfully submitted that dependent claims 41 and 42 (which the Office Action rejected) are also in condition for allowance.

Claim Rejections - 35 U.S.C. § 103(a)

I. Rejection of Claims 38-42

The Office Action rejects claims 38-42 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al.

By this Amendment, claims 38 and 39 are canceled without prejudice or disclaimer. It is respectfully submitted, therefore, that the rejection of claims 38 and 39 under 35 U.S.C. § 103(a) is moot.

With regard to independent claim 40 and dependent claims 41 and 42, Applicants reiterate the comment set forth above that the features of objected to claim 45 (and intervening claim 44) have been incorporated into independent claim 40, and therefore independent claim 40 and the claims depending therefrom (i.e., dependent claims 41 and 42) are in condition for allowance.

II. Rejection of Claim 44

The Office Action rejects claim 44 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al. and U.S. Patent No. 6,043,506 to Heffelfinger et al.

By this Amendment, claim 44 is canceled without prejudice or disclaimer. It is respectfully submitted, therefore, that the rejection of claim 44 under 35 U.S.C. § 103(a) is moot.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

HOGAN & HARTSON LLP

By: William T. Slaven IV

Celine Jimenez Crowson
Registration No. 40,357

William T. Slaven IV
Registration No. 52,228

Dated: March 25, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/717,921	Confirmation No.: 7563
Applicant(s):	Wade M. POTEET et al.	
Filed:	November 21, 2003	
TC/AU:	2884	
Examiner:	Michael C. Bryant	
Title:	METHODS AND APPARATUS FOR MOLECULAR SPECIES DETECTION, INSPECTION AND CLASSIFICATION USING ULTRAVIOLET FLUORESCENCE	
Docket No.:	86581-0003	
Customer No.:	24633	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR REFUND

Dear Sir:

Applicants filed an Amendment in response to the Office Action mailed October 6, 2005 in the above-referenced application. Applicants authorized the Commissioner to charge Deposit Account No. 50-1349 in the amount of \$650.00 **as a small entity** (for excess claim fees) on January 6, 2006, upon reconciliation of the U.S. Patent and Trademark Office Deposit Account Statement the undersigned noticed that our Deposit Account was charged twice, once on January 6, 2006 and again on January 25, 2007 in the amount of \$650.00.

Applicants respectfully request the amount of \$650.00 be refunded to Hogan & Hartson L.L.P. Deposit Account No. 50-1349.

A duplicate courtesy copy of this form is attached with the original.

Respectfully submitted,
HOGAN & HARTSON LLP

Dated: April 25, 2008

HOGAN & HARTSON LLP
555 Thirteenth Street, N.W.
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Telephone: (202) 637-5600
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e-mail: cjcrowson@hhlaw.com
Customer No. 24633

By: William T. Slaven IV
Celine Jimenez Crowson
Registration No. 40,357

William T. Slaven IV
Registration No. 52,228

EXHIBIT II

Auto-Reply Facsimile Transmission

HOGAN & HARTSON L.L.P.

AUG 20 2008



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19-Aug-2008 08:10am From: XCELLEREX INC		T-844 P.001 F-164	
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FACSIMILE TRANSMITTAL SHEET			
TO: US/RO		FROM: Sheryl Keddy for Jacqueline Arendt	
COMPANY: US/RO (PCT)		DATE: August 19, 2008	
FAX #: 571-273-3201		# OF PAGES INCLUDING COVER: 5	
SENDER'S PHONE #: 508-683-2200		RE: Multiple documents (see below)	
Forms included in this transmission:			
1. Request for Recording of Change of Agent Under 92 nd Docket. MV100 2 pg			
2. PCT General Power of Attorney 1 pg			
3. Certificate of Facsimile Transmission 1 pg			
PAGE 1/25 RCVD AT 8/19/2008 10:58:27 AM [Eastern Daylight Time] SVR:USPTO-EPXRF-416 DNS:2733201 CSID:4 DURATION (mm:ss):06:52			

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Aug-19-08 04:07pm From: H & H D.C. Office 66-602

T-700 P.001/017 F-386

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TELECOPY/FACSIMILE

To:	Company:	Fax Number:	Tel Number:
Michael C. Bryant	US Patent and Trademark Office	571-273-8300	571-270-1282

From: Celine Jimenez Crowson

For internal purposes only:

Date: August 19, 2008

Client number: 86581-0003

Time:

Attorney billing number: 3087

Total number of pages incl. cover page: 17

Confirmation number: 202-637-5703

The attached information is **CONFIDENTIAL** and is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient(s) or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

MESSAGE:

Please deliver to Mr. Michael C. Bryant, A.U. 2884 immediately.

Re: U.S. Patent Application No. 10/717,921
Title: METHODS AND APPARATUS FOR MOLECULAR
SPECIES DETECTION, INSPECTION AND CLASSIFICATION
USING ULTRAVIOLET FLUORESCENCE
Inventor(s): FOTRET, Wade Martin et al.
Our Ref.: 86581-0003

Mr. Bryant:

In response to the Office Action received from the U.S. Patent and Trademark Office (USPTO) dated January 30, 2008, please find attached a copy of the Amendment and Response filed with the USPTO on April 25, 2008 and a copy of the date stamped postcard for the above-referenced case.

Baltimore Beijing Boston Boulder Brussels Budapest Caracas Colorado Springs Denver Geneva Hong Kong London Los Angeles
Madrid Moscow Munich New York Norman Virginia Park Shanghai Tokyo Warsaw Washington, D.C.

PAGE 1/17 * RCVD AT 8/19/2008 4:03:38 PM [Eastern Daylight Time] * SVR:USPTO-EXF06-501 * DNS:2730300 * CSID:+ * DURATION [min-sec]:02:46

Confirmation Report - Memory Send

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To:	Company:	Fax Number:	Tel Number:
Michael C. Bryant	US Patent and Trademark Office	571-273-8300	571-270-1282

From: Celine Jimenez Crowson	For internal purposes only:
Date: August 19, 2008	Client number: 86581-0003
Time:	Attorney billing number: 3087
Total number of pages incl. cover page: 17	Confirmation number: 202-637-5703

The attached information is CONFIDENTIAL and is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient(s) or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

MESSAGE:

Please deliver to Mr. Michael C. Bryant, A.U. 2884 immediately.

Re: U.S. Patent Application No. 10/717,921
Title: METHODS AND APPARATUS FOR MOLECULAR SPECIES DETECTION, INSPECTION AND CLASSIFICATION USING ULTRAVIOLET FLUORESCENCE
Inventor(s): POTEET, Wade Martin et al.
Our Ref: 86581-0003

Mr. Bryant:

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Michael C. Bryant	US Patent and Trademark Office	571-273-8300	571-270-1282

From: Celine Jimenez Crowson

For internal purposes only:

Date: August 19, 2008

Client number: 86581-0003

Time:

Attorney billing number: 3087

Total number of pages incl. cover page: 17

Confirmation number: 202-637-5703

The attached information is CONFIDENTIAL and is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient(s) or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any dissemination, distribution or copying of this communication is strictly prohibited. Anyone who receives this communication in error should notify us immediately by telephone and return the original message to us at the above address via the U.S. Mail.

MESSAGE:

Please deliver to Mr. Michael C. Bryant, A.U. 2884 immediately.

Re: U.S. Patent Application No. 10/717,921

Title: METHODS AND APPARATUS FOR MOLECULAR SPECIES DETECTION, INSPECTION AND CLASSIFICATION USING ULTRAVIOLET FLUORESCENCE

Inventor(s): POTEET, Wade Martin et al.

Our Ref.: 86581-0003

Mr. Bryant:

In response to the Office Action received from the U.S. Patent and Trademark Office (USPTO) dated January 30, 2008, please find attached a copy of the Amendment and Response filed with the USPTO on April 25, 2008 and a copy of the date stamped postcard for the above-referenced case.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

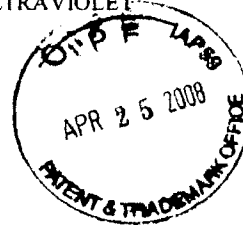
PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

In re US Provisional Application of:

Application No.:	10/717,921	Confirmation No.: 7563
Applicant(s):	Wade M. POTEET et al.	
Filed:	November 21, 2003	
TC/AU:	2884	
Examiner:	Michael C. Bryant	
Title:	METHODS AND APPARATUS FOR MOLECULAR SPECIES DETECTION, INSPECTION AND CLASSIFICATION USING ULTRAVIOLET FLUORESCENCE	
Docket No.:	86581-0003	
Customer No.:	24633	

1. Amendment Transmittal
2. Amendment and Response
3. Request for Refund (*In Duplicate*)

Attorney Docket No. 86581-0003
Date: April 25, 2008
CJC:WTS:ksh



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

In re US Provisional Application of:

Application No.:	10/717,921	Confirmation No.: 7563
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1. Amendment Transmittal
2. Amendment and Response
3. Request for Refund (*In Duplicate*)

Attorney Docket No. 86581-0003
Date: April 25, 2008
CJC:WTS:ksh

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/717,921 Confirmation No.: 7563
Applicant(s) : Wade M. Poteet et al.
Title : METHODS AND APPARATUS FOR MOLECULAR SPECIES
: DETECTION, INSPECTION AND CLASSIFICATION USING
: ULTRAVIOLET FLUORESCENCE
Filed : November 21, 2003
TC/A.U. : 2884
Examiner : Michael C. Bryant
Attorney Docket No. : 86581-0003
Customer No. : **24633**

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT TRANSMITTAL

Sir:

Transmitted herewith for filing is an Amendment and Response in response to the Office Action mailed January 30, 2008 in the above-identified application.

- ☐ Applicants petition for an extension of time, the fees for which are set forth in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two month	\$ 460.00	\$ 230.00
<input type="checkbox"/> three month	\$ 1050.00	\$ 525.00
<input type="checkbox"/> four month	\$ 1640.00	\$ 820.00
<input type="checkbox"/> five month	\$ 2230.00	\$ 1115.00

Extension of time fee due with this request: **\$0.00**

If an additional extension of time is required, please consider this a Petition therefore.

U.S. Application No. 10/717,921
Amendment Transmittal

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	35	MINUS	39	= 0	x 50/25 =	\$ 0.00
INDEP.	7	MINUS	8	= 0	x 200/100 =	\$ 0.00
_____ Month Extension of Time						\$ 0.00
Subtotal						\$ 0.00
Minus ½ for Small Entity						\$ 0.00
TOTAL						\$ 0.00

- ☒ No additional fee is required.
- ☐ A check in the amount of \$ 0.00 is attached.
- ☒ Please charge my Deposit Account No. 50-1349 the amount of \$0.00.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1349.
- ☒ Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: April 25, 2008

HOGAN & HARTSON LLP
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Customer No. 24633

By: William T. Slaven IV
Celine Jimenez Crowson
Registration No. 40,357

William T. Slaven IV
Registration No. 52,228

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/717,921 Confirmation No.: 7563
Applicant(s) : Wade M. Poteet et al.
Title : METHODS AND APPARATUS FOR MOLECULAR SPECIES
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: ULTRAVIOLET FLUORESCENCE
Filed : November 21, 2003
TC/A.U. : 2884
Examiner : Michael C. Bryant
Attorney Docket No. : 86581-0003
Customer No. : 24633

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AND RESPONSE

Sir:

In response to the Office Action mailed January 30, 2008, please amend the above-identified application as follows:

Amendments to the claims are reflected in the listing of claims, which begins on page of this paper.

Remarks/Arguments begin on page 9 of this paper.

In the Claims:

This listing of claims will replace all prior versions and listings of claims in the application. Please amend the claims as follows:

Claim 1. (Previously Presented) An ultraviolet fluorescence detector comprising:

an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;

a camera platform; and

an input optic for passing the induced fluorescent energy to said ultraviolet light detector, wherein the input optic is an F/2 lens having a diameter over approximately 1.0 meters.

Claims 2-3. (Canceled).

Claim 4. (Previously Presented) The ultraviolet fluorescence detector of claim 1, wherein said first optics includes at least one of an optical lens, a shutter, a filter, a mirror, a fiber optic coupler and an optical fiber.

Claim 5. (Original) The ultraviolet fluorescence detector of claim 4, wherein said filter is a filter wheel.

Claims 6-7. (Canceled).

Claim 8. (Previously Presented) The ultraviolet fluorescence detector of claim 1, further comprising a second optic for receiving said induced fluorescent energy.

- Claim 9. (Original)** The ultraviolet fluorescence detector of claim 8, wherein said second optic includes at least one of a mirror, a lens, a beam splitter, a shutter, a fiber optic fiber, a fiber optic coupler, a filter and an input slit.
- Claim 10. (Previously Presented)** The ultraviolet fluorescence detector of claim 9, wherein said filter is a filter wheel.
- Claim 11. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said ultraviolet light detector includes a spectrograph.
- Claim 12. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a CCD detector.
- Claim 13. (Original)** The ultraviolet fluorescence detector of claim 10, wherein said CCD detector is cooled.
- Claim 14. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said analysis module includes a computer.
- Claim 15. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a signal processor.
- Claim 16. (Previously Presented)** The ultraviolet fluorescence detector of claim 1, further comprising at least one power source providing power to said excitation light source, said sample receiving platform, said ultraviolet light detector and said analysis module.
- Claim 17. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said excitation light source includes at least one of a tunable laser, a flash lamp, an ultraviolet LED and a solid state ultraviolet diode.
- Claim 18. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said excitation light source includes a laser source of approximately 0.1 to approximately 250 millijoules.
- Claim 19. (Original)** The ultraviolet fluorescence detector of claim 1, wherein the excitation light source is a pulsed light source.

- Claim 20. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a controller that monitors said excitation light source for the purpose of detected substance spectrum stabilization.
- Claim 21. (Original)** The ultraviolet fluorescence detector of claim 1, wherein ultraviolet fluorescence detector detects ultraviolet signals between approximately 240 nanometers and approximately 540 nanometers.
- Claim 22. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a light minimizing enclosure.
- Claim 23. (Currently Amended)** The ultraviolet fluorescence detector of claim 22, wherein said light minimizing enclosure includes a reflective spherical surface.
- Claim 24. (Original)** The ultraviolet fluorescence detector of claim 1, further comprising a handheld scanner.
- Claim 25. (Original)** The ultraviolet fluorescence detector of claim 24, wherein said hand held scanner connect to said ultraviolet fluorescence detector via fiber optic materials.
- Claim 26. (Original)** The ultraviolet fluorescence detector of claim 1, wherein said ultraviolet fluorescence detector can detect ultraviolet emissions from a chemical compound.
- Claim 27. (Original)** The ultraviolet fluorescence detector of claim 23, wherein said chemical compound includes at least one of a drug, an explosive, a biological agent, a biochemical agent, a nuclear material, a narcotic material, a petroleum material and a waste material.
- Claim 28. (Previously Presented)** A method for detecting and analyzing chemical substances using ultraviolet fluorescence comprising the steps of:
- directing an excitation light source to a target material;
 - receiving induced fluorescent energy from said target material; and
 - determining the nature of the target material based upon the received induced fluorescent energy;

wherein the said step of directing includes directing excitation light through first optics that include at least one of an optical lens, a shutter, a filter, a mirror, a fiber optic coupler and an optical fiber; and

wherein the received induced fluorescent energy has passed through an optic having an F/2 mirror and is at least approximately 1.0 meters in diameter.

Claims 29-30. (Canceled).

Claim 31. (Previously Presented) The method of claim 28, wherein said step of determining includes comparing parameter ranges for said received induced fluorescent energy with predetermined ultraviolet parameters and defining a match based on a predetermined standard deviation between said received induced fluorescent energy and predetermined ultraviolet parameters.

Claim 32. (Previously Presented) An ultraviolet fluorescence detector comprising:
an excitation light source;
a sample receiving platform capable of receiving excitation light from said excitation light source;
an ultraviolet light detector for receiving induced fluorescent energy;
an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum; and
an input optic for passing the induced fluorescent energy to said ultraviolet light detector wherein the input optic is an F/2 lens having a diameter over approximately 1.0 meters.

Claim 33. (Previously Presented) The ultraviolet fluorescence detector of claim 32, further comprising a second optic for receiving said induced fluorescent energy; wherein said second optic includes at least one of a mirror, a lens, a beam splitter, a shutter, a fiber optic fiber, a fiber optic coupler, a filter and an input slit.

Claim 34. (Previously Presented) The ultraviolet fluorescence detector of claim 33, wherein said filter is a filter wheel.

Claim 35. (Previously Presented) The ultraviolet fluorescence detector of claim 32, further comprising a CCD detector.

Claims 36-39. (Canceled).

Claim 40. (Currently Amended) An ultraviolet fluorescence detector comprising:

- an excitation light source;
- a sample receiving platform capable of receiving excitation light from said excitation light source;
- a first optics for directing said excitation light to said sample receiving platform;
- an ultraviolet light detector for receiving induced fluorescent energy;
- an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;
- at least one power source providing power to said excitation light source, said sample receiving platform, said ultraviolet light detector and said analysis module; and
- a controller that monitors said excitation light source for the purpose of detected substance spectrum stabilization; and
- a light minimizing enclosure, wherein said light minimizing enclosure includes a reflective spherical surface.

Claim 41. (Previously Presented) The ultraviolet fluorescence detector of claim 40, wherein said excitation light source includes a laser source of approximately 0.1 to approximately 250 millijoules.

Claim 42. (Previously Presented) The ultraviolet fluorescence detector of claim 40, wherein the excitation light source is a pulsed light source.

Claim 43-45. (Canceled).

Claim 46. (Previously Presented) An ultraviolet fluorescence detector comprising:

- an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;

a camera platform; and

a controller that monitors said excitation light source for the purpose of detected substance spectrum stabilization

Claim 47. (Currently Amended) An ultraviolet fluorescence detector comprising:

an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;

a camera platform; and

a light minimizing enclosure, wherein said light minimizing enclosure includes a reflective spherical surface.

Claim 48. (Currently Amended) An ultraviolet fluorescence detector comprising:

an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;

at least one power source providing power to said excitation light source, said sample receiving platform, said ultraviolet light detector and said analysis module; and

a light minimizing enclosure, wherein said light minimizing enclosure includes a reflective spherical surface.

REMARKS

Claims 1, 4, 5, 8-28, 31-35, 38-42 and 45-48 are pending in the present application. By this Amendment, claims 38, 39, 44 and 45 are canceled without prejudice or disclaimer and claims 23, 40, 47 and 48 are amended. No new matter is added by this Amendment, and this Amendment is supported fully by the Specification.

SUMMARY OF ACTION

The Office Action rejects claims 38-42 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al. The Office Action also rejects claim 44 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al. and U.S. Patent No. 6,043,506 to Heffelfinger et al.

The Office Action objects to claim 45 as being dependent on a rejected base claim, but indicates that such claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Finally, the Office Action indicates that claims 1, 4, 5, 8-28, 31-35, and 46-48 are allowed.

Applicants gratefully acknowledge the Examiner's indication that claims 1, 4, 5, 8-28, 31-35, and 46-48 are allowable, and that claim 45 is allowable if amended as indicated above.

Objection to Claim 45

The Office Action objects to claim 45 as being dependent on a rejected base claim, but indicates that such claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, the features of objected to claim 45 (and intervening claim 44) have been incorporated into independent claim 40. Given that the Office Action objected to claim 45 as being dependent upon rejected base claims, but would be allowable if rewritten in independent form

including all of the limitation of the base claim and any intervening claims, it is respectfully submitted independent claim 40 (as amended) is free of the art of record, and is in condition for allowance.

Additionally, it is respectfully submitted that all claims depending from amended independent claim 40 should be similarly allowable. Thus, it is respectfully submitted that dependent claims 41 and 42 (which the Office Action rejected) are also in condition for allowance.

Claim Rejections - 35 U.S.C. § 103(a)

I. Rejection of Claims 38-42

The Office Action rejects claims 38-42 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al.

By this Amendment, claims 38 and 39 are canceled without prejudice or disclaimer. It is respectfully submitted, therefore, that the rejection of claims 38 and 39 under 35 U.S.C. §103(a) is moot.

With regard to independent claim 40 and dependent claims 41 and 42, Applicants reiterate the comment set forth above that the features of objected to claim 45 (and intervening claim 44) have been incorporated into independent claim 40, and therefore independent claim 40 and the claims depending therefrom (i.e., dependent claims 41 and 42) are in condition for allowance.

II. Rejection of Claim 44

The Office Action rejects claim 44 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al. and U.S. Patent No. 6,043,506 to Heffelfinger et al.

By this Amendment, claim 44 is canceled without prejudice or disclaimer. It is respectfully submitted, therefore, that the rejection of claim 44 under 35 U.S.C. §103(a) is moot.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

HOGAN & HARTSON LLP

By: William T. Slaven IV

Dated: March 25, 2008

HOGAN & HARTSON LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
Telephone: (202) 637-5703
Facsimile: (202) 637-5910
Customer No. 24633

Celine Jimenez Crowson
Registration No. 40,357

William T. Slaven IV
Registration No. 52,228

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/717,921	Confirmation No.: 7563
Applicant(s):	Wade M. POTEET et al.	
Filed:	November 21, 2003	
TC/AU:	2884	
Examiner:	Michael C. Bryant	
Title:	METHODS AND APPARATUS FOR MOLECULAR SPECIES DETECTION, INSPECTION AND CLASSIFICATION USING ULTRAVIOLET FLUORESCENCE	
Docket No.:	86581-0003	
Customer No.:	24633	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR REFUND

Dear Sir:

Applicants filed an Amendment in response to the Office Action mailed October 6, 2006 in the above-referenced application. Applicants authorized the Commissioner to charge Deposit Account No. 50-1349 in the amount of \$650.00 as a small entity (for excess claim fees) on January 6, 2006, upon reconciliation of the U.S. Patent and Trademark Office Deposit Account Statement the undersigned noticed that our Deposit Account was charged twice, once on January 6, 2006 and again on January 25, 2007 in the amount of \$650.00.

Applicants respectfully request the amount of \$650.00 be refunded to Hogan & Hartson L.L.P. Deposit Account No. 50-1349.

A duplicate courtesy copy of this form is attached with the original.

Respectfully submitted,
HOGAN & HARTSON LLP

Dated: April 25, 2008

HOGAN & HARTSON LLP
555 Thirteenth Street, N.W.
Washington, D.C. 20004
Telephone: (202) 637-5600
Facsimile: (202) 637-5910
e-mail: cjcrowson@hhlaw.com
Customer No. 24633

By: William T. Slaven IV
Celine Jimenez Crowson
Registration No. 40,357

William T. Slaven IV
Registration No. 52,228

EXHIBIT III

Electronic Acknowledgement Receipt

EFS ID:	4046097
Application Number:	10717921
International Application Number:	
Confirmation Number:	7563
Title of Invention:	METHODS AND APPARATUS FOR MOLECULAR SPECIES DETECTION, INSPECTION AND CLASSIFICATION USING ULTRAVIOLET FLUORESCENCE
First Named Inventor/Applicant Name:	Wade Martin Poteet
Customer Number:	24633
Filer:	Celine Crowson/Lynn Cruz-Boyden
Filer Authorized By:	Celine Crowson
Attorney Docket Number:	86581-0003
Receipt Date:	01-OCT-2008
Filing Date:	21-NOV-2003
Time Stamp:	20:00:36
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for status of Application	StatusInquiry.PDF	550583 7794e0e122aa43ecb5b8d8471a0ac155c95 a6cc0	no	17

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/717,921 Confirmation No.: 7563
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TC/A.U. : 2884
Examiner : Michael C. Bryant
Attorney Docket No. : 86581-0003
Customer No. : **24633**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR STATUS INQUIRY

Sir:


Please provide us with the current status of the above-referenced patent application. In response to the non-final Office Action dated January 30, 2008, an Amendment was filed on April 25, 2008, yet Private PAIR does not reflect this filing. A copy of the Amendment as filed on April 25, 2008 is enclosed along with a copy of the date-stamped postcard evidencing receipt by the Office. In addition, on August 19, 2008, a courtesy copy of the Amendment (as filed on April 25, 2008) was faxed to Examiner Michael C. Bryant. Also attached is a copy of the Office's "Auto-Reply Facsimile Transmission" evidencing receipt of the courtesy copy of the Amendment by the Office. To date, no further communication has been received from the U.S. Patent and Trademark Office. Please provide the status to the attorney of record and please have Private PAIR updated so that it reflects the filing of the Amendment on April 25, 2008.

Respectfully submitted,
HOGAN & HARTSON LLP

Dated: October 1, 2008

HOGAN & HARTSON LLP
555 Thirteenth Street, N.W.
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Facsimile: (202) 637-5910
Customer No. 24633

By: _____


Celine Jimenez Crowson
Registration No. 40,357

Kirk O. Hahn
Registration No. 51,763

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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- ☐ Applicants petition for an extension of time, the fees for which are set forth in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>Fee for Small Entity</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
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<input type="checkbox"/> four month	\$ 1640.00	\$ 820.00
<input type="checkbox"/> five month	\$ 2230.00	\$ 1115.00

Extension of time fee due with this request: **\$0.00**

If an additional extension of time is required, please consider this a Petition therefore.

U.S. Application No. 10/717,921
Amendment Transmittal

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE
TOTAL	35	MINUS	39	= 0	x 50/25 =	\$ 0.00
INDEP.	7	MINUS	8	= 0	x 200/100 =	\$ 0.00
_____ Month Extension of Time						\$ 0.00
Subtotal						\$ 0.00
Minus 1/2 for Small Entity						\$ 0.00
TOTAL						\$ 0.00

- ☒ No additional fee is required.
- ☐ A check in the amount of \$ 0.00 is attached.
- ☒ Please charge my Deposit Account No. 50-1349 the amount of \$0.00.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1349.
- ☒ Any filing fees under 37 C.F.R. §1.16 for the presentation of extra claims.
- ☒ Any patent application processing fees under 37 C.F.R. §1.17.

Respectfully submitted,

HOGAN & HARTSON LLP

Dated: April 25, 2008

By: William T. Slaven IV
Celine Jimenez Crowson
Registration No. 40,357

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Customer No. 24633

William T. Slaven IV
Registration No. 52,228

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Application No. : 10/717,921 Confirmation No.: 7563
Applicant(s) : Wade M. Poteet et al.
Title : METHODS AND APPARATUS FOR MOLECULAR SPECIES
: DETECTION, INSPECTION AND CLASSIFICATION USING
: ULTRAVIOLET FLUORESCENCE
Filed : November 21, 2003
TC/A.U. : 2884
Examiner : Michael C. Bryant
Attorney Docket No. : 86581-0003
Customer No. : **24633**

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

AMENDMENT AND RESPONSE

Sir:

In response to the Office Action mailed January 30, 2008, please amend the above-identified application as follows:

Amendments to the claims are reflected in the listing of claims, which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.

In the Claims:

This listing of claims will replace all prior versions and listings of claims in the application. Please amend the claims as follows:

Claim 1. (Previously Presented) An ultraviolet fluorescence detector comprising:

- an excitation light source;
- a sample receiving platform capable of receiving excitation light from said excitation light source;
- a first optics for directing said excitation light to said sample receiving platform;
- an ultraviolet light detector for receiving induced fluorescent energy;
- an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;
- a camera platform; and
- an input optic for passing the induced fluorescent energy to said ultraviolet light detector, wherein the input optic is an F/2 lens having a diameter over approximately 1.0 meters.

Claims 2-3. (Canceled).

Claim 4. (Previously Presented) The ultraviolet fluorescence detector of claim 1, wherein said first optics includes at least one of an optical lens, a shutter, a filter, a mirror, a fiber optic coupler and an optical fiber.

Claim 5. (Original) The ultraviolet fluorescence detector of claim 4, wherein said filter is a filter wheel.

Claims 6-7. (Canceled).

Claim 8. (Previously Presented) The ultraviolet fluorescence detector of claim 1, further comprising a second optic for receiving said induced fluorescent energy.

Claim 9. (Original) The ultraviolet fluorescence detector of claim 8, wherein said second optic includes at least one of a mirror, a lens, a beam splitter, a shutter, a fiber optic fiber, a fiber optic coupler, a filter and an input slit.

Claim 10. (Previously Presented) The ultraviolet fluorescence detector of claim 9, wherein said filter is a filter wheel.

Claim 11. (Original) The ultraviolet fluorescence detector of claim 1, wherein said ultraviolet light detector includes a spectrograph.

Claim 12. (Original) The ultraviolet fluorescence detector of claim 1, further comprising a CCD detector.

Claim 13. (Original) The ultraviolet fluorescence detector of claim 10, wherein said CCD detector is cooled.

Claim 14. (Original) The ultraviolet fluorescence detector of claim 1, wherein said analysis module includes a computer.

Claim 15. (Original) The ultraviolet fluorescence detector of claim 1, further comprising a signal processor.

Claim 16. (Previously Presented) The ultraviolet fluorescence detector of claim 1, further comprising at least one power source providing power to said excitation light source, said sample receiving platform, said ultraviolet light detector and said analysis module.

Claim 17. (Original) The ultraviolet fluorescence detector of claim 1, wherein said excitation light source includes at least one of a tunable laser, a flash lamp, an ultraviolet LED and a solid state ultraviolet diode.

Claim 18. (Original) The ultraviolet fluorescence detector of claim 1, wherein said excitation light source includes a laser source of approximately 0.1 to approximately 250 millijoules.

Claim 19. (Original) The ultraviolet fluorescence detector of claim 1, wherein the excitation light source is a pulsed light source.

Claim 20. (Original) The ultraviolet fluorescence detector of claim 1, further comprising a controller that monitors said excitation light source for the purpose of detected substance spectrum stabilization.

Claim 21. (Original) The ultraviolet fluorescence detector of claim 1, wherein ultraviolet fluorescence detector detects ultraviolet signals between approximately 240 nanometers and approximately 540 nanometers.

Claim 22. (Original) The ultraviolet fluorescence detector of claim 1, further comprising a light minimizing enclosure.

Claim 23. (Currently Amended) The ultraviolet fluorescence detector of claim 22, wherein said light minimizing enclosure includes a reflective spherical surface.

Claim 24. (Original) The ultraviolet fluorescence detector of claim 1, further comprising a handheld scanner.

Claim 25. (Original) The ultraviolet fluorescence detector of claim 24, wherein said hand held scanner connect to said ultraviolet fluorescence detector via fiber optic materials.

Claim 26. (Original) The ultraviolet fluorescence detector of claim 1, wherein said ultraviolet fluorescence detector can detect ultraviolet emissions from a chemical compound.

Claim 27. (Original) The ultraviolet fluorescence detector of claim 23, wherein said chemical compound includes at least one of a drug, an explosive, a biological agent, a biochemical agent, a nuclear material, a narcotic material, a petroleum material and a waste material.

Claim 28. (Previously Presented) A method for detecting and analyzing chemical substances using ultraviolet fluorescence comprising the steps of:

directing an excitation light source to a target material;

receiving induced fluorescent energy from said target material; and

determining the nature of the target material based upon the received induced fluorescent energy;

wherein the said step of directing includes directing excitation light through first optics that include at least one of an optical lens, a shutter, a filter, a mirror, a fiber optic coupler and an optical fiber; and

wherein the received induced fluorescent energy has passed through an optic having an F/2 mirror and is at least approximately 1.0 meters in diameter.

Claims 29-30. (Canceled).

Claim 31. (Previously Presented) The method of claim 28, wherein said step of determining includes comparing parameter ranges for said received induced fluorescent energy with predetermined ultraviolet parameters and defining a match based on a predetermined standard deviation between said received induced fluorescent energy and predetermined ultraviolet parameters.

Claim 32. (Previously Presented) An ultraviolet fluorescence detector comprising:

an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum; and

an input optic for passing the induced fluorescent energy to said ultraviolet light detector wherein the input optic is an F/2 lens having a diameter over approximately 1.0 meters.

Claim 33. (Previously Presented) The ultraviolet fluorescence detector of claim 32, further comprising a second optic for receiving said induced fluorescent energy; wherein said second optic includes at least one of a mirror, a lens, a beam splitter, a shutter, a fiber optic fiber, a fiber optic coupler, a filter and an input slit.

Claim 34. (Previously Presented) The ultraviolet fluorescence detector of claim 33, wherein said filter is a filter wheel.

Claim 35. (Previously Presented) The ultraviolet fluorescence detector of claim 32, further comprising a CCD detector.

Claims 36-39. (Canceled).

Claim 40. (Currently Amended) An ultraviolet fluorescence detector comprising:

- an excitation light source;
- a sample receiving platform capable of receiving excitation light from said excitation light source;
- a first optics for directing said excitation light to said sample receiving platform;
- an ultraviolet light detector for receiving induced fluorescent energy;
- an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;
- at least one power source providing power to said excitation light source, said sample receiving platform, said ultraviolet light detector and said analysis module; and
- a controller that monitors said excitation light source for the purpose of detected substance spectrum stabilization; and
- a light minimizing enclosure, wherein said light minimizing enclosure includes a reflective spherical surface.

Claim 41. (Previously Presented) The ultraviolet fluorescence detector of claim 40, wherein said excitation light source includes a laser source of approximately 0.1 to approximately 250 millijoules.

Claim 42. (Previously Presented) The ultraviolet fluorescence detector of claim 40, wherein the excitation light source is a pulsed light source.

Claim 43-45. (Canceled).

Claim 46. (Previously Presented) An ultraviolet fluorescence detector comprising:

- an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;

a camera platform; and

a controller that monitors said excitation light source for the purpose of detected substance spectrum stabilization

Claim 47. (Currently Amended) An ultraviolet fluorescence detector comprising:

an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;

a camera platform; and

a light minimizing enclosure, wherein said light minimizing enclosure includes a reflective spherical surface.

Claim 48. (Currently Amended) An ultraviolet fluorescence detector comprising:

an excitation light source;

a sample receiving platform capable of receiving excitation light from said excitation light source;

a first optics for directing said excitation light to said sample receiving platform;

an ultraviolet light detector for receiving induced fluorescent energy;

an analysis module for matching said induced fluorescent ultraviolet energy against a previously determined signature spectrum;

at least one power source providing power to said excitation light source, said sample receiving platform, said ultraviolet light detector and said analysis module; and

a light minimizing enclosure, wherein said light minimizing enclosure includes a reflective spherical surface.

REMARKS

Claims 1, 4, 5, 8-28, 31-35, 38-42 and 45-48 are pending in the present application. By this Amendment, claims 38, 39, 44 and 45 are canceled without prejudice or disclaimer and claims 23, 40, 47 and 48 are amended. No new matter is added by this Amendment, and this Amendment is supported fully by the Specification.

SUMMARY OF ACTION

The Office Action rejects claims 38-42 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al. The Office Action also rejects claim 44 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al. and U.S. Patent No. 6,043,506 to Heffelfinger et al.

The Office Action objects to claim 45 as being dependent on a rejected base claim, but indicates that such claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Finally, the Office Action indicates that claims 1, 4, 5, 8-28, 31-35, and 46-48 are allowed.

Applicants gratefully acknowledge the Examiner's indication that claims 1, 4, 5, 8-28, 31-35, and 46-48 are allowable, and that claim 45 is allowable if amended as indicated above.

Objection to Claim 45

The Office Action objects to claim 45 as being dependent on a rejected base claim, but indicates that such claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, the features of objected to claim 45 (and intervening claim 44) have been incorporated into independent claim 40. Given that the Office Action objected to claim 45 as being dependent upon rejected base claims, but would be allowable if rewritten in independent form

including all of the limitation of the base claim and any intervening claims, it is respectfully submitted independent claim 40 (as amended) is free of the art of record, and is in condition for allowance.

Additionally, it is respectfully submitted that all claims depending from amended independent claim 40 should be similarly allowable. Thus, it is respectfully submitted that dependent claims 41 and 42 (which the Office Action rejected) are also in condition for allowance.

Claim Rejections - 35 U.S.C. § 103(a)

I. Rejection of Claims 38-42

The Office Action rejects claims 38-42 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al.

By this Amendment, claims 38 and 39 are canceled without prejudice or disclaimer. It is respectfully submitted, therefore, that the rejection of claims 38 and 39 under 35 U.S.C. §103(a) is moot.

With regard to independent claim 40 and dependent claims 41 and 42, Applicants reiterate the comment set forth above that the features of objected to claim 45 (and intervening claim 44) have been incorporated into independent claim 40, and therefore independent claim 40 and the claims depending therefrom (i.e., dependent claims 41 and 42) are in condition for allowance.

II. Rejection of Claim 44

The Office Action rejects claim 44 under 35 U.S.C. § 103(a) as being unpatentable in view of U.S. Patent Application Publication No. 2003/0160231 to Cole et al. in view of GB Patent No. 2,365,966 to Hodgkinson, U.S. Patent Application Publication No. 2002/0197728 to Kaufman et al. and U.S. Patent No. 5,617,205 to Dou et al. and U.S. Patent No. 6,043,506 to Heffelfinger et al.

By this Amendment, claim 44 is canceled without prejudice or disclaimer. It is respectfully submitted, therefore, that the rejection of claim 44 under 35 U.S.C. §103(a) is moot.

CONCLUSION

In view of the foregoing, Applicants respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1349. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

HOGAN & HARTSON LLP

By: William T. Slaven IV

Dated: March 25, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/717,921	Confirmation No.: 7563
Applicant(s):	Wade M. POTEET et al.	
Filed:	November 21, 2003	
TC/AU:	2884	
Examiner:	Michael C. Bryant	
Title:	METHODS AND APPARATUS FOR MOLECULAR SPECIES DETECTION, INSPECTION AND CLASSIFICATION USING ULTRAVIOLET FLUORESCENCE	
Docket No.:	86581-0003	
Customer No.:	24633	

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR REFUND

Dear Sir:

Applicants filed an Amendment in response to the Office Action mailed October 6, 200 in the above-referenced application. Applicants authorized the Commissioner to charge Deposit Account No. 50-1349 in the amount of \$650.00 **as a small entity** (for excess claim fees) on January 6, 2006, upon reconciliation of the U.S. Patent and Trademark Office Deposit Account Statement the undersigned noticed that our Deposit Account was charged twice, once on January 6, 2006 and again on January 25, 2007 in the amount of \$650.00.

Applicants respectfully request the amount of \$650.00 be refunded to Hogan & Hartson L.L.P. Deposit Account No. 50-1349.

A duplicate courtesy copy of this form is attached with the original.

Respectfully submitted,
HOGAN & HARTSON LLP

Dated: April 25, 2008

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MESSAGE:			
Please deliver to Mr. Michael C. Bryant, A.U. 2884 immediately.			
Re: U.S. Patent Application No. 10/717,921			
Title: METHODS AND APPARATUS FOR MOLECULAR SPECIES DETECTION, INSPECTION AND CLASSIFICATION USING ULTRAVIOLET FLUORESCENCE			
Inventor(s): FOTEET, Wade Martin et al.			
Our Ref: 86581-0003			
Mr. Bryant:			
In response to the Office Action received from the U.S. Patent and Trademark Office (USPTO) dated January 30, 2008, please find attached a copy of the Amendment and Response filed with the USPTO on April 25, 2008 and a copy of the date stamped postcard for the above-referenced case.			
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PAGE 1/17 RCVD AT 019/2008 4:03:38 PM Eastern Daylight Time SYRUSPTO-EPX06-431 DNS273C00 * CSD+ DURATION min-ss: 02-44			

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re US Provisional Application of:

Application No.:	10/717,921	Confirmation No.: 7563
Applicant(s):	Wade M. POTEET et al.	
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Docket No.:	86581-0003	
Customer No.:	24633	

1. Amendment Transmittal
2. Amendment and Response
3. Request for Refund (*In Duplicate*)

Attorney Docket No. 86581-0003
Date: April 25, 2008
CJC:WTS:ksh

